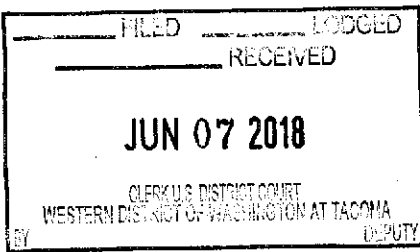


Magistrate Judge Theresa L. Fricke



UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL MICHEAL BERGIN,

Defendants.

NO. MJ18-5145

COMPLAINT for VIOLATION

18 U.S.C. § 2422(b)

BEFORE, the Honorable Theresa L. Fricke, United States Magistrate Judge, U. S.  
Courthouse, Tacoma, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**

**(Enticement of a Minor)**

Between November and December of 2017, at Tacoma, within the Western  
District of Washington, and elsewhere, PAUL MICHEAL BERGIN, used a facility and  
means of interstate and foreign commerce, including the internet, to knowingly persuade,  
induce, entice, and coerce MV1, an individual who had not yet attained the age of 18  
years, to engage in sexual activity for which any person can be charged with a criminal  
offense—to include, Production of a Child Pornography in violation of 18 U.S.C.  
§ 2251(a), and attempted to do so.

All in violation of Title 18, United States Code, Section 2422(b).

1 And the Complainant states that this Complaint is based on the following  
2 information:

3 I, Jayme McFarland, being first duly sworn on oath, depose and say:

4 **INTRODUCTION**

5 1. I am a Special Agent with the U.S. Department of Homeland Security  
6 (DHS), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge  
7 Seattle, Washington, field office. I have been a Special Agent with HSI since December  
8 2010. I completed the Criminal Investigator Training Program and the HSI Special Agent  
9 Training Program located at the Federal Law Enforcement Training Center in Glynco,  
10 Georgia. My training included courses in law enforcement techniques, federal criminal  
11 statutes, conducting complex criminal investigations, physical and electronic surveillance  
12 techniques, and the execution of search/arrest warrants. During my employment as a law  
13 enforcement officer, I have attended periodic seminars, meetings, conferences and  
14 received continued training.

15 2. As part of my duties as an HSI Criminal Investigator, I investigate criminal  
16 violations relating to child exploitation and child pornography including violations of  
17 Title 18, United States Code §§ 2251(a), 2252(a)(2), 2422, and 2243(a)(1). I have  
18 received training in the area of child pornography and child exploitation, and have  
19 observed and reviewed numerous examples of child pornography in various forms of  
20 media, including media stored on digital media storage devices such as computers,  
21 tablets, cellphones, etc. I have also participated in the execution of numerous search  
22 warrants involving investigations of child exploitation and/or child pornography offenses.  
23 I am a member of the Seattle Internet Crimes Against Children (ICAC) Task Force in the  
24 Western District of Washington, and work with other federal, state, and local law  
25 enforcement personnel in the investigation and prosecution of crimes involving the  
26 sexual exploitation of children.

27 3. The facts set forth in this Complaint are based on my own personal  
28 knowledge; knowledge obtained from other individuals during my participation in this

1 investigation, including other law enforcement officers; interviews of cooperating  
2 witnesses; review of documents and records related to this investigation; communications  
3 with others who have personal knowledge of the events and circumstances described  
4 herein; and information gained through my training and experience.

5 4. Because this Complaint is submitted for the limited purpose of establishing  
6 probable cause, it does not set forth each and every fact that I or others have learned  
7 during the course of this investigation. I have set forth only the facts that I believe are  
8 necessary to establish probable cause to believe that PAUL MICHEAL BERGIN  
9 committed offense charged—namely, Enticement of a Minor in violation of 18 U.S.C.  
10 § 2422(b).

#### 11 SUMMARY OF PROBABLE CAUSE

12 5. On or about March 21, 2018, the Electronic Service Provider (ESP)  
13 Facebook generated a CyberTip Report to the National Center for Missing and Exploited  
14 Children (NCMEC) upon discovering sexually explicit image and video files being  
15 exchanged between a user representing herself as 14 years of age and an adult male via  
16 Facebook. NCMEC documented the complaint in CyberTip # 29385986. In total,  
17 Facebook reported 49 files were exchanged between the minor victim (MV1) and other  
18 Facebook users. The CyberTip indicated that a Facebook employee personally reviewed  
19 each of the image and video files and content of the accounts prior to making the report  
20 to NCMEC.

21 6. On or about March 23, 2018, Contra Costa County District Attorney's  
22 (CCFDA) Office received CyberTip # 29385986 and opened CCCDA Case Number  
23 ICAC 18-013. CCCDA Inspector Holcombe reviewed the CyberTip and identified the  
24 minor victim (MV1), who lives within CCCDA's jurisdiction. Inspector Holcombe  
25 confirmed MV1 was 13 years of age at the time the sexually explicit image and video  
26 files were distributed. Facebook provided details for each of the files that were  
27 transmitted, including the date/time, filename, and recipient IP address, as well as the  
28 recipient's Facebook user information. One recipient of these child pornographic image

1 and video files was identified by Facebook as Paul BERGIN (XX/XX/1993) of Tacoma,  
2 Washington. The following user information was provided by Facebook:

3 Recipient:

4 First Name: Paul

5 Last Name: Bergin

6 Email: berginpaul7@gmail.com (verified)

7 Age: 25

8 DOB: 1993-XX-XX

9 Screen Name: paul.bergin.1612

10 Profile URL: <http://www.facebook.com/paul.bergin.1612>

11 IP Address: 98.237.130.194

12 IP Capture Date: December 15, 2017 at 11:31:21 UTC

13 7. According to Facebook, approximately 3 video and 7 image files were  
14 transmitted from MV1 to BERGIN between November and December 2017. Inspector  
15 Holcombe reviewed the files and confirmed the files depicted MV1 partially nude,  
16 pictures of MV1's breasts, close-up images of MV1's vagina, and videos of MV1  
17 masturbating.

18 8. On March 29, 2018, Inspector Holcombe applied for and obtained a  
19 California state search warrant for BERGIN's Facebook and Facebook Messenger  
20 account, which included communications between BERGIN and MV1.

21 9. On April 17, 2018, Facebook returned subscriber information and content  
22 for BERGIN's account. According to Facebook, BERGIN's account was created on  
23 October 26, 2017, with email address, berginpaul7@gmail.com. BERGIN listed that he  
24 resided in Tacoma, Washington.

25 10. Inspector Holcombe reviewed the communications between BERGIN and  
26 MV1, which began on November 29, 2017, and were transmitted via the Facebook  
27 Messenger application. Inspector Holcombe reviewed texts in which MV1 stated she was  
28 13 years old and BERGIN replied that he was 24 years old. Inspector Holcombe noted  
the communications were sexually explicit in nature and he observed several sexually  
explicit files exchanged between MV1 and BERGIN. Inspector Holcombe also observed  
BERGIN repeatedly asked for pictures of MV1's vagina stating, "What about your

1 pussy” and “Can you send me a video of you playing with your self baby?”

2 Communication between BERGIN and MV1 terminated on or about December 17, 2017.

3 11. On April 18, 2018, Inspector Holcombe contacted Homeland Security  
4 Investigationss (HSI) Seattle Field Office and forwarded the investigative lead, which  
5 was assigned to me for further investigation. Inspector Holcombe forwarded the  
6 responsive data obtained from Facebook and a copy of CyberTip # 29385986 to HSI  
7 Seattle for further investigation.

8 12. On April 20, 2018, I received a thumb drive sent by Inspector Holcombe  
9 containing the responsive data for BERGIN’s account provided by Facebook and a copy  
10 of CyberTip # 29385986, which included all the files reported by Facebook. I reviewed  
11 the CyberTip and attached files and describe three video files Facebook reported were  
12 sent by MV1 to BERGIN:

13 **File Name:**

14 **mg076n5moeo8oocs24122180\_135172110524974\_1201944561971101696\_n.mp4**

15 Transmitted: 11/30/2017 at 05:57:27 UTC

16 This is a color video approximately 20 seconds long. This video depicts a close up of  
17 MV1’s vagina, who appears to be sitting with her legs spread on a gray bed sheet. MV1  
18 is using her right hand to masturbate.

19 **File Name:**

20 **aag6lcx2174800c824157960\_1768701049861559\_2317698152557851721\_n.mp4**

21 Transmitted: December 1, 2017 at 22:11:19 UTC

22 This is a color video approximately 14 seconds long. This video depicts a close up of  
23 MV1’s vagina, and she is masturbating using the handle of a hairbrush. The lower part of  
24 MV1’s gray shirt is visible and she is sitting on a red blanket with her legs spread.

25 **File Name:**

26 **4z7jj1kfk5s8kgwo24157496\_135614597147392\_8495741913339527168\_n.mp4**

27 Transmitted: December 2, 2017 at 00:56:14 UTC

28 This is a color video approximately 24 seconds long. This video depicts a close-up of  
MV1’s vagina, and she is masturbating using her right hand. MV1 is sitting on a red and  
gray blanket and wearing a gray shirt. At the end of the video, MV1 pans the camera up  
so that her face is visible.

13. On April 20, 2018, I reviewed the communications between BERGIN and MV1 and determined the texts were sexually explicit in nature. The following are excerpts of communications between BERGIN and MV1:

November 30, 2017, beginning at 05:19 UTC:

BERGIN: How old are you

MV1: 13

BERGIN: Are you single

MV1: Yes

BERGIN: I am single to

MV1: That's cool

BERGIN: I am 24 year's old

MV1: Cool

///

BERGIN: Do you like sex

MV1: Yeah but never had it

I'm still a virgin

BERGIN: May I ask you a question

MV1: Yeah

BERGIN: Do you want me to send you a picture of my cock

MV1: Sure

BERGIN: Then you will send me a picture of you naked

MV1: Yeah

BERGIN: Do you want to go first

MV1: Sure

BERGIN: Ok

MV1: \*MV1 sends photo of herself pulling her shirt down exposing her breasts and her legs are spread but she is wearing underwear.

BERGIN: \*Sends photo of his penis

///

BERGIN: Do you got any pics of you naked

MV1: Let me check

\*MV1 sends close up image of her vagina

BERGIN: Can you send me a video of you playing with your self baby

MV1: Kk

BERGIN: With you saying daddy mors

More

MV1: \*MV1 sends a video of herself masturbating, approximately 20 seconds in length

///

BERGIN: Can you do a video more then 21 seconds

14. On May 7, 2018, MV1 participated in a child forensic interview at the Contra Costa Children's Interview Center regarding her interactions with BERGIN. Child Forensic Interviewer, Pat Mori, conducted the interview. The interview was audio/video recorded, and the original copy remains in the custody of Contra Costa County District Attorney's Office (CCFDA). The following is a summary of the forensic interview as reported by CCFDA Inspector Holcombe. Inspector Holcombe noted he previously met with MV1 and showed her a picture of BERGIN. MV1 recognized BERGIN and said she remembered talking with him via Facebook. The following is a summary of the child forensic interview with MV1:

- MV1 confirmed she is 14 years old currently, but was 13 at the time the chats with BERGIN occurred. According to MV1, BERGIN sent her a friend request from Facebook Messenger and they began talking. MV1 claimed BERGIN told her he was 20 and she told him she was 13 years old. MV1 said BERGIN told her to call him "daddy". MV1 admitted she exchanged nude images and videos with BERGIN. MV1 said the pictures depicted her in "sexy poses" because she thought that was what guys wanted to see.
- MV1 said BERGIN wanted to call her but she said no. MV1 confirmed BERGIN sent her images of his penis and videos of himself masturbating and sometimes BERGIN would ejaculate in the videos. MV1 admitted she sent images of herself with her breasts and vagina exposed, as well as videos of herself masturbating.
- According to MV1, she remembered BERGIN asked her for specific types of images. MV1 stated BERGIN was pushy and would get upset when she didn't send him photos and videos. MV1 estimated she sent him approximately 15-20 images and possibly 5-6 videos.
- MV1 explained that BERGIN called her on video chat via Facebook and she answered but didn't want to show her face. According to MV1, BERGIN told her he wanted to see her face and said he would hang up if she didn't show him her face. MV1 complied and showed BERGIN her face quickly. MV1 said BERGIN told her he would show MV1 his "dick" if she showed her face.
- MV1 recalled BERGIN asked her for pictures of her "pussy" or "tits." MV1 said BERGIN would get mad if she did not send him pictures. MV1 specifically remembered BERGIN asking her to send pictures and videos of

1 MV1 touching herself, as well as videos in which she was moaning. MV1 said  
2 she complied with the requests sometimes but she did not want to.

- 3 • MV1 stated she could not remember BERGIN's name. MV1 said she video  
4 chatted with BERGIN approximately 3-4 times and when they video chatted,  
5 BERGIN would ask her to touch herself. MV1 said she would tell BERGIN  
6 she did not want to and denied masturbating via video chat with BERGIN.  
7 MV1 admitted to sending BERGIN a video of herself masturbating with a  
8 hairbrush and said that was her idea.

9 15. On June 5, 2018, I obtained a search warrant for BERGIN's Tacoma,  
10 Washington, home. I executed that warrant on June 7, 2018, joined by a team of state,  
11 local, and federal agents.

12 16. I encountered BERGIN in his home and asked if he would answer a few  
13 questions. I advised him of his constitutional rights, which he confirmed he understood,  
14 and then conducted a recorded interview. Among other things, BERGIN acknowledged  
15 that he had communicated with MV1, that he knew she was 13, and that he knew it was  
16 wrong for him to do so. He also admitted that he asked MV1 to create and send him  
17 sexually explicit images and videos.

18 //

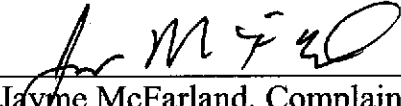
19 //

20 //



1 **CONCLUSION**

2 17. Based on the above-stated facts, I respectfully submit that there is probable  
3 cause to believe that PAUL MICHEAL BERGIN committed the offense charged in this  
4 Complaint.

5   
6 Jayne McFarland, Complainant  
7 Special Agent,  
8 Homeland Security Investigations

9 Based on the Complaint and Affidavit sworn to before me, and subscribed in my  
10 presence, the Court hereby finds that there is probable cause to believe the Defendant  
11 committed the offense(s) set forth in the Complaint.

12 Dated this 7th day of June, 2018.

13   
14 THERESA L. FRICKE  
15 United States Magistrate Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28